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GUILD MORTGAGE COMPANY

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re	) Bk. No. 11-70592-RLE
)
	) R.S. No. EGS-105
)
ALVIN RIVERA SANGCO and)
DINA ALMUETE-SANGCO,	) Chapter 13
)
	) TEN (10) DAY DECLARATION RE:
Debtors.	) BREACH OF FEBRUARY 15, 2013
	) ORDER ON STIPULATION RE:
	) ADEQUATE PROTECTION
)
	) Continued Hearing-
	) Date : February 27, 2013
	) Time : 1:30 p.m.
	) Place: United States Bankruptcy Court
	) 130 Clay Street
	) Courtroom 201
	) Oakland, CA
)
	) Honorable Roger L. Efremsky

I, PAUL LABODA, declare and state:

1. As to the following facts, I know them to be true of my own personal knowledge, and if called upon to testify in this action, I could and would testify competently to the following facts personally known by me to be true.

2. I am an employee of GUILD MORTGAGE COMPANY, Movant herein. It is the regular business practice of Guild Mortgage Company to maintain detailed records for each of its loans, and I am familiar with the procedures followed to maintain those records. My duties include keeping an accurate record of all transactions affecting the subject first

1 trust deed loan while it is in bankruptcy.

2 3. The property subject to the first trust deed obligation is generally described as
3 **400 Roth Lane, Alameda, CA 94501.**

4 4. I have examined the Order on Stipulation Re: Adequate Protection and
5 Modification of the Automatic Stay ("Order Approving Stipulation") entered by the Court
6 as docket #46 on February 15, 2013 (a copy of which is attached hereto as **Exhibit "A"**
7 and incorporated herein by reference), and have personal knowledge as to whether the
8 Debtors have complied with the requirements of this Order Approving Stipulation.

9 5. Pursuant to the Order Approving Stipulation, Debtors were to maintain regular
10 monthly post-petition payments in the amount of **\$1,806.26** to Movant in a timely manner
11 commencing with the **March 1, 2013** post-petition mortgage payment. The monthly
12 mortgage payment has *now* increased to **\$1,865.47** pursuant to the terms of the original
13 Note. Debtors were *also* ordered to make monthly additional installment payments of
14 **\$611.20** *each* commencing on March 15, 2013 and continuing thereafter on the 15th day of
15 each month, for a period of eleven (11) months, to cure the remaining **\$6,723.17** in *post-*
16 *petition* arrears that were due at the time of the entry of the Order Approving Stipulation.

17 6. Secured Creditor received the last payment from the Debtor on June 10, 2014.
18 Said payment was made via a *personal check*, dated May 23, 2014, check #1848, made
19 payable to Secured Creditor in the amount of \$1,865.47. If the May 23, 2014 personal
20 check from the Debtor clears the bank, it will be applied to the **March 2014** monthly post-
21 petition mortgage payment.

22 7. If the Debtor's payment described in Paragraph 6 above clears and is applied
23 to the March 2014 monthly post-petition mortgage payment, as of the date of this
24 Declaration, Debtors are due and owing for three (3) *post-petition* monthly mortgage
25 payments for **April 2014, May 2014, and June 2014** in the amount of **\$1,865.47** *each*,
26 totaling **\$5,596.41**. Debtors are also due and owing for three (3) late charges of **\$61.98**
27 *each*, totaling \$185.94, for the post-petition months of the **March 2014, April 2014, and**
28 **May 2014, respectively.**

8. Additionally, Debtors have also failed to tender all eleven (11) of the monthly installment payments of **\$611.20** each that came due commencing on March 15, 2013, and continuing for eleven (11) months. Debtors tendered ten (10) out of the eleven (11) installment payments that came due, but are still due and owing for one (1) installment payment in the amount of **\$611.20**. The following is a summary of the installment payments that were received from the Debtors since the Order Approving Stipulation was entered by the Court on February 15, 2013:

	<u>Date Installment Pmt</u> <u>Received</u>	<u>Date Installment Pmt.</u> <u>Due</u>	<u>Amount of</u> <u>Installment</u> <u>Pmt.</u>
1.	03/06/13	03/15/13	\$611.20
2.	04/15/13	04/15/13	\$611.20
3.	05/15/13	05/15/13	\$611.20
4.	06/19/13	06/15/13	\$611.20
5.	07/12/13	07/15/13	\$611.20
6.	08/19/13	08/15/13	\$611.20
7.	09/13/13	09/15/13	\$611.20
8.	10/14/13	10/15/13	\$611.20
9.	11/14/13	11/15/13	\$611.20
10.	12/23/13	12/15/13	\$611.20
11.	NO PAYMENT RECEIVED	01/15/14	\$611.20

9. Therefore, pursuant to paragraphs 7 and 8 above, the total *post-petition* default under the Order Approving Stipulation is **\$6,393.55**, which includes three (3) *post-petition* monthly mortgage payments for **April 2014, May 2014, and June 2014** in the amount of **\$1,865.47** each, three (3) late charges of **\$61.98** each for the months of the **March 2014, April 2014, and May 2014**, and one (1) installment payment of **\$611.20**.

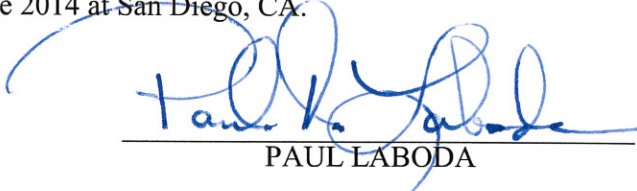
10. Due to the Debtors' failure to timely and properly comply with the Order Approving Stipulation as hereinabove set forth, Movant has been forced to incur additional attorneys' fees of \$100.00 to collect the amounts owing. These additional attorneys' fees are now owing to Movant from Debtors pursuant to the promissory note secured by Movant's first deed of trust, and must be paid together with the amounts set forth herein to cure the existing breach of the Court's Order.

11. Accordingly, the amount required to cure the existing breach under the order approving stipulation through June 11, 2014 is **\$6,493.55**, which includes the **\$6,393.55** as

described in Paragraph 8 above *plus* \$100.00 in attorney's fees as provided for in Paragraph 9 above.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed this 13TH day of June 2014 at San Diego, CA.



PAUL LABODA

1 PROOF OF SERVICE

2 I, REYNALDO DEL PILAR, certify that:

3 I am a resident of Los Angeles County, I am over the age of 18 and not a party to the
4 within action; my business address is 3637 Motor Avenue, Suite 220, Los Angeles, California
5 90034.

6 On June 14, 2014, I checked the CM/ECF docket for this bankruptcy case or adversary
7 proceeding and determined that the following person(s) are on the Electronic Mail Notice List to
8 receive NEF transmission, and the foregoing documents, TEN (10) DAY DECLARATION RE:
9 BREACH OF FEBRUARY 15, 2013 ORDER ON STIPULATION RE: ADEQUATE
10 PROTECTION, will be served by NEF at the email addresses stated below:

11 Martha G. Bronitsky 13trustee@oak13.com
12 Patrick L. Forte pat@patforte.com
13 Office of the U.S. Trustee/Oak USTPRegion17.OA.ECF@usdoj.gov,
14 ltroxas@hotmail.com

15 On June 14, 2014, I served copies of the within foregoing document on interested parties
16 in this proceeding by placing true and correct copies thereof enclosed in a sealed envelope with
17 postage pre-paid in the United States Mail at Los Angeles, California addressed as follows:

18 DEBTORS:
19 ALVIN RIVERA SANGCO
20 DINA ALMUETE LOVE-SANGCO
21 400 ROTH LANE
22 ALAMEDA, CA 94501

23 I declare that I am employed in the office of a member of the bar at whose direction the
24 service was made.

25 I certify under penalty of perjury that the foregoing is true and correct.

26 Executed on June 14, 2014 at Los Angeles, California.

27 /s/ Reynaldo Del Pilar
28 REYNALDO DEL PILAR

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